

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:06CR3157
)	
v.)	
)	
)	
SHAWN CHRISTOPHER FREDE,)	
)	
Defendant.)	MEMORANDUM AND ORDER
)	

A hearing was held before me December 18, 2006 on the allegations made in the petition for action on conditions of pretrial release. The defendant was present with counsel, and was advised of his rights. The defendant admitted the allegations in the petition. I therefore find that the allegations of the petition are true.

Regarding disposition, the government urged that the defendant should be detained. Defendant proposed to undergo inpatient treatment and moved to continue the trial to enable defendant to do so. Defendant waived his rights under the Speedy Trial Act to accommodate a continuance. I find that the defendant should be detained until he can be admitted to an appropriate inpatient treatment program. In addition, I grant the defendant's motion for continuance of trial. Accordingly,

IT THEREFORE HEREBY IS ORDERED:

1. The previous order releasing the defendant on conditions, filing 6, is revoked, and the defendant shall be detained until further order of the court.

2. The pretrial services officer is directed to have the defendant screened for an appropriate inpatient substance abuse treatment program, and if he is accepted into a program, to notify the court and counsel of the date of the prospective admission. A separate treatment order will be entered at that time.

3. Trial of this matter is continued to 9:00 a.m. February 26, 2007 before Hon. Richard G. Kopf. The defendant has freely and voluntarily waived his right to a speedy trial. The court finds that

under the circumstances the defendant's interest in receiving treatment outweigh his and the public's interests in a speedy trial, and that failure to grant his motion for continuance would result in a miscarriage of justice. Therefore, the time between this date and February 26, 2007 is exempted from the calculation of days required under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

DATED December 18, 2006

BY THE COURT:

s/ *David L. Piester*
United States Magistrate Judge